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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|----------------------------------|---|-----------------------------|
| ----- | X | |
| ANNETTE SMITH, | : | |
| | : | 08 Civ. 7888 (WHP)(RLE) |
| Plaintiff, | : | |
| | : | |
| against | : | ECF CASE |
| | : | |
| NATIONAL BASKETBALL ASSOCIATION, | : | REPLY DECLARATION OF |
| INC., and BERNARD TOLBERT, | : | HOWARD L. GANZ, ESQ. |
| | : | |
| Defendants. | : | |
| ----- | X | |

I, Howard L. Ganz, Esq., declare, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney with the law firm of Proskauer Rose LLP, attorneys for Defendants National Basketball Association (“NBA”; incorrectly identified as “National Basketball Association, Inc.”) and Bernard Tolbert (collectively “Defendants”) in the above-captioned action. I am fully familiar with the facts set forth herein. I submit this Reply Declaration in further support of Defendants’ Motion for Summary Judgment.
2. Attached hereto as Exhibit A is a true and correct copy of transcript pages from the deposition of Plaintiff Annette Smith, taken by Defendants on April 21, 2009.

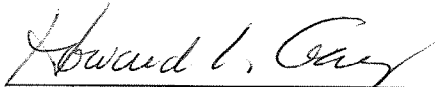
3. Attached hereto as Exhibit B is a true and correct copy of transcript pages from the deposition of Bernard Tolbert, taken by Plaintiff on May 8, 2009.

4. Attached hereto as Exhibit C is a true and correct copy of transcript pages from the deposition of Warren Glover, taken by Plaintiff on May 27, 2009.

5. Attached hereto as Exhibit D is a true and correct copy of transcript pages from the deposition of Kelley Hardwick, taken by Plaintiff on May 27, 2009.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: September 10, 2009
New York, New York

By: 
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